

MEMORANDUM - in re:

PISTOL EXPERT TESTIMONY

Mr. Merton A. Robinson, who has been employed to testify as a pistol expert, is the head of the Ballistic Department of the Winchester Arms Company, New Haven, Conn. He has been engaged as an expert in about half a dozen different cases, as follows:

1. By prosecution, trial in Newark, 1923,
Revolver - Testified.
2. By prosecution, U.S. Atty. Homer S.
Cummings, Stamford, Conn.,
1924, Revolver -
Did not testify.
3. By prosecution, District Atty. Harold
B. Scragg, Scranton, Pa., 1926,
Pistol - Testified.
4. By defense, E. L. Maxwell, Atty.,
Elkins, W. Va., 1925,
Rifle - Testified.
5. By defense, Cecil G. Frost, Lindsay,
Ont., Rifle - Testified.
6. By prosecution, Uriah MacFadden, K.C.,
Sault Ste Marie, Ont.,
Rifle - Testified.

Below are extracts from a motion made by Mr. Homer S. Cummings in "The State vs. Harold Israel" in 1924 for the entry of a nolle. The situation presented was an unusual one in view of the fact that the defendant had, in a statement, admitted the crime and the motion was made by the District Attorney, who was convinced that he was innocent, and that he was led to sign the statement by reason of his physical and mental weakness.

In presenting his argument to the court, Mr. Cummings stated that he had carefully examined the testimony of the State's expert, to the effect that in his opinion the fatal bullet was fired through a revolver found on Israel. Mr. Cummings gives the qualifications of the six experts who assisted him in his consideration of the matter and in arriving at the conclusion that bullet fired was not from Israel's revolver. The following is offered only because of any suggestions it might bring to the mind of the person who is to examine Mr. Robinson:

"That eliminates from this case, Your Honor, every point set forth in the summarization made by the coroner except the tenth point, and this, I may say, is the crucial point in the case. The tenth point in the coroner's summary deals with